

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number 042933/417416

**(filed with the Notice of Appeal)**

Application Number 10/602,540 Filed 06-23-2003

First Named Inventor Tuomainen

Art Unit 2175 Examiner TRAN, MYLINH T

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Respectfully submitted,

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Date May 9, 2012

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## Attachment

### Reasons for Requesting Pre-Appeal Brief Request For Review

This request for review is submitted in reply to the Office Action dated November 9, 2011 and the Advisory Action dated January 18, 2012. Claims 1-4, 6, 8-11, 13-21, 24-27, 29, 30, and 32-45 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken individually or in any proper combination. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### The Rejection of Independent Claims 1-4, 6, 8-11, 13-21, 24-27, 29, 30, and 32-45 under §103(a) Should Be Reversed

The Office Action rejects claims 1-4, 6, 8-11, 13-21, 24-27, 29, 30, and 32-45 under 35 U.S.C. § 103(a) as being unpatentable over Rowe et al (U.S. Pat. 5,623,613) in view of Nowlan et al (U.S. Pat. 6,169,538). However, Applicants respectfully traverse the rejection of the claims as Rowe and Nowlan, taken individually or in any proper combination, fail to teach or suggest all of the features recited in the claims.

In regard to the independent claims, independent claim 1 is directed to a method displaying a plurality of selection elements, activating one of the plurality of selection elements, and simultaneously displaying a magnified version of the active selection element along with at least one auxiliary element and at least a magnified version of at least a portion of a selection element adjacent the active selection element, wherein the at least one auxiliary element is hidden from the active selection element prior to said activating and wherein the at least one auxiliary element displays a non-navigational selectable function. While each of independent claims 11, 19, 21, 24, 26, 30, and 40 has its own respective scope, claims 11, 19, 21, 24, 26, 30, and 40 recite features substantially similar to those of claim 1 in regard to the following remarks.

The Examiner alleges that Rowe teaches features of independent claim 1 including “displaying a magnified version of the active selection element along with at least one auxiliary element” and “wherein the at least one auxiliary element is hidden from the active selection element prior to said activating and wherein the at least one auxiliary element displays a non-navigational selectable function” (see Office Action, page 3). Applicants respectfully disagree.

Rowe is directed to a user interface for presenting program selection options based on categories (see Rowe abstract). Rowe teaches a user interface comprising adjacent viewing panel display elements for each of the category, subcategory, and program tiles. Rowe further teaches a focus frame that a user can move along and among the viewing panels to highlight information supplied by the tile selected by the user by “framing” the tile (see Rowe col. 2-3, col. 7, lines 45-61, col. 8, lines 22-34).

The Examiner points to Rowe’s figure 6 “Sport” element as teaching the feature of “displaying a magnified version of the active selection element” recited in the independent claims (see Office Action, page 3). However, Rowe never discusses, nor does Figure 6 show, “displaying a magnified version of the active selection element.” Rather, Rowe teaches a focus frame that is “framing” and highlighting a selected tile, there is no magnification of the selected tile by the focus frame or by the selection of the tile within the viewing panel (see Rowe col 7, lines 45-61, col. 10, lines 62-64, fig. 6, item 60).

The Examiner further alleges that Rowe’s figure 6 discloses “displaying...the active selection element along with at least one auxiliary element wherein the auxiliary element is hidden from the active selection element prior to said activating.” The Examiner points to the arrow tabs appended to the sides of the focus frame as teaching the auxiliary element wherein the auxiliary element is hidden from the active selection element prior to said activating. However, the arrow tabs in Rowe are a part of the display of the focus frame showing which directions a user may move the focus frame and the arrow tabs are displayed on the focus frame depending on its location among the viewing panels (see Rowe col. 8, lines 38-67, fig. 4 and fig. 6, items 60, 67). Rowe’s focus frame is never inactive and the arrow tabs of the focus frame merely change based on the focus frames location within the display. The arrow tabs are not equivalent to an auxiliary element displayed along with the active selection element, nor are the arrow tabs “hidden from the active selection element prior to said activating” as recited in the independent claims.

Further, the Examiner alleges that Rowe discloses “the at least one auxiliary element displays a non-navigational selectable function” (see Office Action, page 3). The Examiner points to Rowe’s figs. 7 and 8, item 66 “program tile” as teaching the non-navigational selectable function. However, Rowe’s program tile is merely the tile that displays the program information for a possible program selection (see Rowe col. 10, lines 19-37), and while the tile is selectable to display the described program, it does not correspond to an auxiliary element displayed along with the active selection element that displays a non-navigational selectable function. The

program tile 66 becomes the active selection element by moving the focus frame and is not an auxiliary element. Also, the Examiner earlier alleged that Rowe's arrow tabs on the focus frame teach the "auxiliary element" which have no relationship to Rowe's program tile.

Therefore, Rowe neither teaches nor suggests the features of "displaying a magnified version of the active selection element along with at least one auxiliary element" and "wherein the at least one auxiliary element is hidden from the active selection element prior to said activating and wherein the at least one auxiliary element displays a non-navigational selectable function" as found in the independent claims. Additionally, Nowlan fails to teach or suggest "displaying a magnified version of the active selection element along with at least one auxiliary element" and "wherein the at least one auxiliary element is hidden from the active selection element prior to said activating and wherein the at least one auxiliary element displays a non-navigational selectable function" and Nowlan is not cited for such a proposition. Since each of Rowe and Nowlan fails to teach or suggest "displaying a magnified version of the active selection element along with at least one auxiliary element" and "wherein the at least one auxiliary element is hidden from the active selection element prior to said activating and wherein the at least one auxiliary element displays a non-navigational selectable function" it logically follows that no combination of the cited references teaches or suggests these same recitations.

The Examiner admits that Rowe does not teach "simultaneously displaying the magnified version of the active selection element and at least a magnified version of at least a portion of a selection element adjacent to the active selection element" (see Office Action, pages 3-4). However, the Examiner then alleges that Nowlan teaches this feature and that it would have been obvious to combine these teachings to arrive at the claimed invention. Applicants respectfully submit that it would not have been obvious to a person of ordinary skill in the art at the time of the invention to combine these references.

Nowlan is directed to a graphical user interface keyboard and text buffer that easily allows a user to identify the active character and change the active character to select a chosen character for input to the text buffer (see Nowlan col. 2, lines 46-63). Nowlan further discloses a zooming/op-up GUI keyboard at assist in the identification, selection, and acceptance of a desired character (see Nowlan col. 4, lines 60-67).

As discussed in the Request for Reconsideration, the asserted motivation for combining the references provided on page 4 of the Office Action is "to save an extra user input for the user", but in the context of Rowe, such a motivation would not make sense for a person having

ordinary skill in the art. The “plurality of selection elements” is asserted to correspond to the column in Rowe including “Sports”, “Special”, “Shopping”, etc. These are listed alphabetically in a vertical column, and the user “selects” one of them by moving the “focus frame” (60) over the specific category, and the focus frame is moved using the up/down arrows (67) (See Rowe col. 3, lines 49-55). Thus, regardless of whether or not “Special”, for example, is magnified, the user input required to go from “Sports” to “Special” would not change, as the user is moving the frame up one spot. Therefore, there would not be any extra user input saved by magnifying at least a portion of another “selection element”. A person of ordinary skill in the art would not therefore consider modifying Rowe in the manner asserted by the Examiner in order to reduce the number of user inputs.

Furthermore, even considering beyond the Examiner’s asserted motivation for combining the two references, it would not have been obvious to have combined Rowe and Nowlan to arrive at the claimed invention. The Examiner has asserted that highlighting a tile with the focus frame corresponds to “magnifying” in the claimed invention. If a person were to modify Rowe as suggested by the Examiner, when the “Sport” tile is highlighted by the focus frame, it would result in the “Special” tile also being highlighted by the focus frame. However, to a person of ordinary skill in the art such an outcome would not make sense because the entire purpose of the “focus frame” in Rowe is to “highlight information supplied by the tile selected by the user by ‘framing’ the tile, and supplies a visual cue to the user that the display associated with the framed tile can be controlled” (see Rowe col. 3, lines 45-48). If more than one tile is highlighted by focus frames, then the user will be provided with multiple “visual cues” and will be confused as to which of the highlighted tiles is associated with the rest of the display. Additionally, because the user controls the category display by “mov[ing] the focus frame along the viewing panel to a position on the category display”, it would also make it substantially more confusing for the user to control the category display, as there are at least two focus frames moving and the user would have to discern which of the multiple focus frames is the one controlling the display (see Rowe col. 3, lines 41-45). There would also be no perceivable benefit to making such a modification. Therefore, Rowe teaches away from modifying its disclosure to include simultaneously displaying a magnified version of the active selection element along with at least a magnified version of at least a portion of a selection element adjacent the active selection element. As a result, it would not have been obvious to a person having ordinary skill in the art to have combined Rowe with Nowlan, as asserted by the Examiner, to arrive at the claimed embodiments.

Additionally, as Applicants noted in the Request for Reconsideration, several of the rejections of claims dependent from independent claim 1 are inconsistent with the rejections of claim 1. As noted above, it is asserted that “the at least one auxiliary element” is taught by the arrows around the “Sport” element and the “selectable function” (that is non-navigational) is taught by program tile 66, which applicants have noted is itself inconsistent. In the rejection of dependent claim 6, it is asserted that “the at least one auxiliary element” in claim 6 is shown by the “Basketball” tile, which is another entirely separate element from either of the elements referred to in the claim 1 rejection. In the rejection of claim 8, it is asserted that the (non-navigational) “selectable function” are disclosed by the arrows surrounding the “Sport” element. Aside from the fact that applicants respectfully submit that these arrows are not a “non-navigational selectable function”, this assertion in the rejection of claim is also different from the rejection of claim 1, where it is asserted that this feature is taught by “program tile 66”.

There is also inconsistency in the rejections of claims 9 and 10. In the rejection of claim 9, it is asserted that “the at least one auxiliary element being located close to an identifier of the active selection element” is shown in Figure 6 of Rowe, with the right arrow being close to the identifier of the “active selection element”, but in the rejection of claim 10, it is asserted that the arrow icon is the identifier of the active selection element.

Therefore, in view of the inconsistencies of the different assertions presented in the rejections of the independent and dependent claims, it is further respectfully submitted that the Examiner has failed to establish that the dependent claims are also obvious in view of the cited references.

### **CONCLUSION**

In view of the remarks presented above, Applicants respectfully submit that all rejections of the claims should be withdrawn and the present application should be allowed. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants’ undersigned attorney in order to resolve any remaining issues.

Respectfully submitted,

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Date May 9, 2012